

R E M A R K S

Claims 1-16 are pending in the application.

Claim 1 has been amended to recite features inherent to flat-top antennas, *i.e.*, that the turns extend parallel to one another and are stacked on one another. The term “one-to-one” has been amended to recite “end-to-end” to clarify this inherent feature of flat-top antennas. The inherency of these features is evident from JP 67186802 and EP 0 780 027, each of which is mentioned at page 1 of the specification. Other amendments have been made to claims 1 and dependent claims 2-13 to place the claims in better condition for U.S. prosecution practice and to improve the grammar of the claims. It is respectfully submitted that these amendments are not intended to affect the substantive scope of the claims. The preamble of the claims has also been amended to recite a flat-top antenna “assembly.” The term “assembly” has been included in the preamble in view of the recitation, in both the original and amended claims, of a mechanical support. Finally, the subject matter of claims 14-16 is supported in the specification at, for example, page 4, lines 6-13.

Approval and entry are respectfully requested.

Claim Rejections -- 35 U.S.C. § 102

Claims 1-9 have been rejected under 35 U.S.C. § 102(b) (hereinafter “Section 102(b)”) as being anticipated by U.S. Patent No. 3,154,786 to Clanton (hereinafter “Clanton”).

Anticipation under Section 102 requires that a prior art reference disclose every claim element of the claimed invention. *E.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1574, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986). Anticipation must be found in a single reference. *E.g., Studiengesellschaft Kohle, m.b.H. v. Dart Indus., Inc.*, 726 F.2d 724, 72627,

220 U.S.P.Q. 841 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. *E.g., Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 715, 223 U.S.P.Q. 1264 (Fed. Cir. 1984).

Applicant respectfully submits that the applied document, *i.e.*, alleged admitted prior art (figure 1), does not meet this standard of anticipation. Accordingly, Applicant respectfully traverses this rejection.

As clarified in the amended claims, the present invention relates to a flat-top antenna assembly comprising a mechanic support and a flat-top antenna positioned on the mechanical support. Flat-top antennas comprise a plurality of turns (*e.g.*, rectangle, circle, square, etc. in shape) of multi-strand conductors connected end-to-end with one another. The turns extend parallel to one another and are stacked on one another to define a height dimension of the flat-top antenna.

The antenna disclosed in Clanton is not a “flat-top” antenna and does not meet the claimed definition of the “flat-top” antenna. For example, the antenna of Clanton preferably is made of aluminum tubing (col. 2, lines 1-2 of Clanton), not multi-strand conductors. Also, the turns of the Clanton antenna are not arranged end-to-end.

For these reasons, Applicant respectfully submits that the Section 102(b) rejection of claim 1 has been misplaced, and requests withdrawal of the same. In the event that the Examiner maintains this rejection of claim 1 in a future written communication, the Examiner is requested to point out with specificity where the prior art teaches using the claimed flat-top antenna, including passages in the prior art that describe each of the claimed features.

Applicant further respectfully submits that claims 2-9, depending on claim 1 and including all of the distinguishing features thereof, are not anticipated by Clanton for the reasons discussed above and for the additional reason that the added subject matter of the dependent claims, when taken in conjunction with the features of claim 1, is neither disclosed

in nor reasonably suggested by the applied art. For example, Clanton does not disclose the groove and clip of claims 8 and 9, respectively. These examples are merely illustrative, and not exhaustive, of the deficiencies of the alleged admitted prior art vis-à-vis the dependent claims.

For these reasons, reconsideration and withdrawal of the Section 102(b) rejection are respectfully requested.

Claim Rejections -- 35 U.S.C. § 103

Claims 10-13 have been rejected under 35 U.S.C. § 103(a) (hereinafter “Section 103(a)”) as being unpatentable over Clanton on the following grounds:

The use of “staples”, bonding and support molding are all obvious securing means for securing the antenna to a particular wall of the vehicle.

Applicant respectfully traverses the rejection.

First, claims 10-13 depend on claim 1 and include all of the distinguishing features thereof. Therefore, claims 10-13 are not rendered unpatentable by Clanton for the reasons discussed above and for the additional reason that the added subject matter of the dependent claims, when taken in conjunction with the features of claim 1, is neither disclosed in nor reasonably suggested by the applied art.

Second, Applicant respectfully submits that the Examiner’s rationale mirror the classic “obvious to try” scenario. The Examiner offers no reason why a person of ordinary skill in the art would have used the claimed securing means, other than to state that it would have been obvious. Whereas it may have been obvious to try and use different securing means, “obvious to try” is not an adequate basis for a rejection under section 103. *See, e.g., In re Eli Lilly & Co.*, 902 F.2d 943 (Fed. Cir. 1990).

Finally, Clanton discloses that its antenna serves the dual functions of a transmission device and a baggage rack. *See* column 1, lines 18-22. Incorporating the antenna into the substrate, as recited in claim 12, would defeat Clanton's object of using its antenna as a baggage rack. The other "securing means" recited in the dependent claims are not taught or reasonably suggested by Clanton.

For these reasons, Applicant respectfully requests reconsideration and withdraw of the Section 103(a) rejection.

Finally, new claims 14-16 depend on claim 1 and include all of the distinguishing features thereof. Clanton does not affect the patentability of claims 14-16 for the reasons discussed above and for the additional reason that the added subject matter of the dependent claims, when taken in conjunction with the features of claim 1, is neither disclosed in nor reasonably suggested by the applied art.

Applicants believe that no fee is required for this submission. However, should a fee be due, please charge such fee to Deposit Account No. 50-0548.

If, after reviewing the above amendments and remarks, the Examiner believes that any issues remain unresolved, the Examiner is respectfully requested to contact the undersigned, by telephone, to schedule an interview to address such issues.

Respectfully submitted,



Matthew Stavish
Reg. No. 36,286

LINIAK, BERENATO & WHITE
6550 Rock Spring Drive
Suite 240
Bethesda, Maryland 20817
Telephone: (301) 896-0600
Facsimile: (301) 896-0607